



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 11, 1998

Mr. Ryan Tredway
Staff Attorney
Legal and Compliance, MC110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR98-3072

Dear Mr. Tredway:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 120214.

The Texas Department of Insurance (the "department") received a request for various categories of information concerning Colonial Casualty Insurance Company. In response to the request, you submit to this office for review the records which you assert are responsive. You claim that the submitted information is excepted from required public disclosure by sections 552.101, 552.111, and 552.112 of the Government Code.¹ We have considered the exceptions claimed and have reviewed the submitted documents at issue.

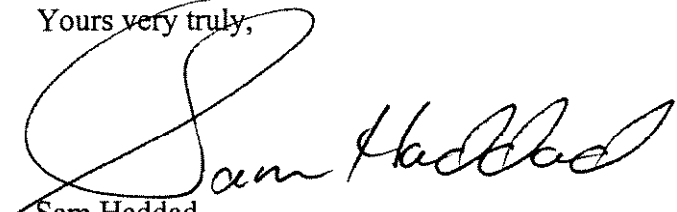
You claim that the submitted responsive documents are excepted from disclosure under section 9, article 1.15 of the Insurance Code in conjunction with section 552.101 of the Government Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Article 1.15, section 9, of the Insurance Code makes confidential the examination reports and related work papers obtained during the course of an examination of a carrier. Ins. Code art. 1.15, § 9, Open Records

¹As you have not raised an applicable exception for information not related to the examination report, specifically categories 5 and 6 of the request, we assume that the responsive information, should it exist, will be released.

Decision No. 640 (1996).² You inform us that “[t]he information developed during the course of the examination, including the legal research responsive to this request, is part of the preliminary examination report,” which is made confidential by article 1.15 section 9. In this instance, we conclude that the department must withhold the submitted information which it claims falls within section 9 of article 1.15 under section 552.101 of the Government Code.³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID# 120214

Enclosures: Marked documents

cc: Mr. Stanford Smith
Taylor Research & Associates
3816 S. Lamar Blvd.# 1405
Austin, Texas 78704
(w/o enclosures)

²We note that Open Records Decision No. 640 (1996) is a previous determination within the meaning of section 552.301(a) of the Government Code for the type of documents addressed in that opinion.

³For purposes of this ruling, we assume that the company is not in liquidation or receivership. Ins. Code art. 1.15, § 9; see Open Records Decision No. 640 (1996). As we make a determination under section 552.101, we need not consider the department's additional arguments against disclosure for this information.